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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 SHAKESPEAR FEYISSA,

12 Plaintiff,

13 vs.

14 THE CITY OF SEATTLE, a Municipal
15 Corporation, SEATTLE POLICE OFFICER A.
16 JOHNSON, and OFFICER D. D'AMBROSIO,
17 and JOHN DOE SEATTLE POLICE
18 OFFICERS 1-3,

19 Defendants.

No.

**COMPLAINT FOR DAMAGES
VIOLATIONS OF CIVIL RIGHTS
AND STATE TORT CLAIMS**

JURY DEMAND

20 Plaintiff Shaekspear Feyissa alleges as follows:

21 **I. JURISDICTION AND VENUE**

22 1. This action is brought pursuant to 42 U.S.C. § 1983 for violations of the Fourth
23 and Fourteenth Amendments to the United States Constitution and various state and common
24 law claims. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1343 *et seq.*

1 9. On January 14, 2010, Azeb Alemayehu came to the Plaintiff's home at 5417 57th
2 Avenue South, Seattle, WA, 98118, with their 3-month-year-old daughter. The Plaintiff asked
3 Alemayehu to allow him to feed and bathe the baby. Alemayehu handed the Plaintiff his baby
4 and spoke to the Plaintiff's mother at the front door of the home.

5 10. The Plaintiff took the infant upstairs and changed her dirty diaper. He then took
6 the baby back downstairs and fed her baby formula on the couch near the front door of his home.
7 The Plaintiff did not know where Alemayehu was.

8 11. Moments later, at approximately 9:00 p.m., ten Seattle Police Officers entered the
9 Plaintiff's house without a search warrant or arrest warrant.

10 12. Six Officers surrounded the Plaintiff where he was sitting feeding the baby. The
11 remaining officers, without a search warrant or permission to do so, searched the Plaintiff's
12 home. The Plaintiff asked for a warrant, but none was produced because no warrant existed.

13 13. The Plaintiff knew one of the Officers and asked him why the police stormed his
14 home without a warrant. The officer said it was standard procedure ever since six officers were
15 recently gunned down.

16 14. One Officer asked the Plaintiff if he hit Alemayehu to which the Plaintiff
17 answered "no."

18 15. Alemayehu never told the police that the Plaintiff hit her.

19 16. Alemayehu said she called the police to gain possession of their infant for herself.
20 She actually requested that the Plaintiff not be arrested.

21 17. A police officer told the Plaintiff to stand up, to hand his baby to his mother, to
22 turn around, and to put his hands behind his back.

23 18. An officer twisted the Plaintiff's wrists and fastened handcuffs tightly around
24 them.

 19. The Plaintiff complied with every police order and maintained a calm and
professional demeanor during his entire contact with the police officers.

 20. The Plaintiff asked for the police officers to relieve the pain from the tightly
fastened handcuffs, but his request was ignored.

1 21. Some officers made fun of the fact that the Plaintiff was a lawyer that he was
2 being arrested. They laughed and ridiculed the Plaintiff.

3 22. The Officers walked the Plaintiff half-way through his yard and half-way up his
4 block to sit in one of the many police cars parked on the residential street.

5 23. The Plaintiff sat handcuffed in the back of the police car for several minutes as his
6 neighbors looked on.

7 24. This arrest injured the Plaintiff's standing and reputation in his neighborhood, his
8 professional life, and his social life.

9 25. The Plaintiff felt severe pain from his hand and shoulder, which had previously
10 been injured.

11 26. While in the holding cell, the Plaintiff pleaded with the Officers to loosen the
12 handcuffs and to get him medical attention.

13 27. The Plaintiff was told to "shut up."

14 28. Several minutes passed before an officer arrived with larger handcuffs. The
15 officer threatened not to exchange the handcuffs if the Plaintiff reported the officer to his
16 superiors.

17 29. The new handcuffs did not relieve the severe pain in the Plaintiff's hands, wrists
18 and shoulders.

19 30. The Plaintiff remained in the holding cell for approximately 3 to 4 hours. He was
20 continuously harassed by the defendant officers.

21 31. The Plaintiff was transported to the King County Jail where a nurse inspected his
22 shoulders and hands.

23 32. The Plaintiff was released on his own recognizance at 4:30 p.m. the next day,
24 January 15, 2010.

 33. The Plaintiff was charged with domestic violence and assault.

 34. After the Plaintiff employed a lawyer, the charges were dismissed.

V. CLAIMS AND CAUSES OF ACTION

RESPONDEAT SUPERIOR

35. Plaintiff realleges the previous paragraphs.

36. Since the Officers were agents of the defendant City of Seattle, the City is vicariously liable for the tortious acts of its officers.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (OUTRAGE)

37. Plaintiff realleges the previous paragraphs.

38. The actions of defendants constituted intentional infliction of emotional distress.

39. As a result of defendants' tortious conduct, Plaintiff suffered injury and emotional distress.

ASSAULT AND BATTERY

40. Plaintiff realleges the previous paragraphs.

41. The actions of the defendants constituted assault and battery.

42. As a result of the defendants' tortious conduct, the Plaintiff suffered injuries.

FALSE ARREST

43. Plaintiff realleges the previous paragraphs.

44. The actions of defendants' constituted false arrest. Plaintiff was arrested without probable cause.

MALICIOUS PROSECUTION

45. Plaintiff realleges the previous paragraphs.

46. The actions of defendants constituted malicious prosecution.

47. As a result of the defendants' tortious conduct, the Plaintiff suffered injuries.

VIOLATION OF 42 U.S.C. § 1983

48. Plaintiff realleges the previous paragraphs.

CERTIFICATE OF SERVICE

I certify that on 7/22/10, I caused to be served a copy of the SUMMONS and the forgoing document to all defendants', by dispatching a copy of the same by ABC legal messenger and electronic filing of these documents with the Clerk of the Court using the CM/ECF system.

DATED this 22nd day of July, 2010.

LAW OFFICES OF LEMBARD G. HOWELL

/s/ Yohannes K. Sium
Yohannes K. Sium WSBA # 42420